

Provider Bulletin

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Wyoming Department of Health Mental Health & Substance Abuse Services Division

Information Only

Use of Sliding Fee Scale

All funded CMHC's and funded SAC's are bound by two statutes. The first being that DUI offenders are to pay for their own DUI Assessments: According to Wyoming Statute 31-5-233(e):

(e) Except as otherwise provided, a person convicted of violating this section shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) at or before sentencing. The cost of the substance abuse assessment shall be assessed to and paid by the offender.

The second statute requires all funded providers per contract to apply a sliding fee schedule to everyone, including DUI offenders. According to W. S. 35-1-620 (b) (iii) and (viii):

- 35-1-620 Powers and duties of department and its divisions.
- (b) The department shall:
- (iii) Establish a uniform schedule of fees which will act as a guideline for state purchased services provided to clients by human services programs under this act. The schedule shall accurately reflect a client's ability to pay;
- (viii) Prescribe conditions of eligibility for funding under this act so that no person shall be denied services on the basis of race, creed, color, national origin or inability to pay.

Please note that per the Attorney General, the sliding fee schedule is also applicable to DUI offenders. Any fee agreement between a community mental health and/or substance abuse center that requires a client to pay fees in excess of the sliding fee scale is void because it violates the law. If it is determined that a provider has sought client agreement to pay fees in excess of the sliding fee scale, the Division may terminate the provider's contract. Any practice that denies services based on "inability to pay" including withholding assessments until fees are paid are in violation of WS 35-1-620 (b) (viii).



Thank you for your courtesies.

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